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09/680,697	10/06/2000	Walter W. Collins	KSW 312RI	1037

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/680,697

Applicant(s)
Collins

Examiner
Clark F. Dexter

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3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2.5 6) ☐ Other:

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DETAILED ACTION

1. The preliminary amendment filed May 14, 2001 has been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Information Disclosure Statement

2. The information disclosure statement filed November 13, 2000 (paper no. 2^{1/2}) has been received and the references listed thereon have been considered.

Specification

3. The disclosure is objected to because of the following informalities:

On page 4, line 4, [✓]“FIG. 2” is inaccurate and should read --FIG. 1--.

On page 9, line 7, [✓]“62” is inaccurate and should read --56--.

Appropriate correction is required.

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Claim Objections

4. Claim 11 is objected to because of the following informalities:

In line 8, it seems that --and-- should be inserted after "blade cavity" for further clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 20 and 22-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, lines 2-6, the recitation "the spring being maximally deformed when the blade is pivoted to an intermediate point between the extended position and retracted position, thereby ... intermediate point" renders the claim vague and indefinite since sufficient structure has not been set forth to perform the recited function.

In claim 22, line 1, "the coil spring" lacks antecedent basis (it is noted that for examination purposes, it has been considered as depending from claim 21).

In claim 23, line 8, "connected between the blade and handle" is vague and indefinite as to what the spring is connected, and it is suggested to simply change "between" to --to-- or the like; in lines 8-9, the recitation "configured to exert a pivoting force upon the blade in response to the spring being deformed" is vague and indefinite as to how the spring is "configured"; in lines 9-13, the recitation "the spring being maximally deformed when the blade is pivoted to an

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intermediate point between the extended position and retracted position, thereby causing the spring to assist opening of the blade when the blade is pivoted from the retracted position toward the extended position beyond the intermediate point" is vague and indefinite since sufficient structure has not been set forth to perform the recited function.

In claim 25, lines 3-4, the recitations "said plunger" as well as "the path of movement of said plunger" lack antecedent basis.

In claim 26, "said plunger" lacks antecedent basis.

In claim 28, line 1, the recitations "said plunger" as well as "the second end of said plunger" lack antecedent basis.

In claim 30, line 5, the recitation "operatively interposed said handle" is awkwardly worded and unclear, and it seems that a word is missing after "interposed"; in lines 6-8, the recitation "said spring, with movement of said blade generally from either one of such two conditions ... through the spring" is vague and indefinite since sufficient structure has not been set forth to perform the recited function.

Claim 31 is vague and indefinite as to what structure is being set forth.

In claim 34, line 5, the recitation "operatively interposed said handle" is awkwardly worded and unclear; in lines 6-8, the recitation "said spring, with movement of said blade generally from with one of two such conditions ... length of the spring" is vague and indefinite since sufficient structure has not been set forth to perform the recited function; in lines 7-8, the recitation "exhibiting both an increase and a decrease in the overall length of the spring" is vague

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and indefinite as to what is being set forth and appears to be inaccurate, and it seems that “overall” should read --effective-- or the like.

Claim 35[✓] is vague and indefinite as to what structure is being set forth.

In claim 38^X, line 5, the recitation “operatively interposed said handle” is awkwardly worded and unclear; in lines 6-10, the recitation “said spring, with movement ... which includes a pass through a zero dimension” is vague and indefinite as to what is being set forth, and further is vague and indefinite since sufficient structure has not been set forth to perform the recited function.

Claim 39^X is vague and indefinite as to what structure is being set forth.

In claim 42^X, line 5, the recitation “operatively interposed said handle” is awkwardly worded and unclear; in lines 6-8, the recitation “said spring, with respect to disposition of said blade ... in that one condition” is vague and indefinite since sufficient structure has not been set forth to perform the recited function; in line 7, “a/the” is vague and indefinite as to what is being set forth.

In claim 45, lines 5-9[✓], the recitation “wherein the spring operates on the blade to maintain the blade in the stowed position ... toward the deployed position” is vague and indefinite since sufficient structure has not been set forth to perform the recited function.

In claim 48, lines 8-11, the recitation “wherein the spring is operatively connected to the blade to exert a directional force ... to the deployed position” is vague and indefinite since

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sufficient structure has not been set forth to perform the recited function; in line 11, "that" is unclear and renders the claim vague, and it seems that it should read --than-- or the like.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 11, 12, 19-21, 23, 30, 31, 34, 35, 38, 39^x, 42^x, 45 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by French publication 1.069.862 (hereafter FP '862).

FP '862 discloses a folding knife with every structural limitation of the claimed invention including a handle (e.g., 1, 2) defining a blade cavity; a blade (e.g., 6) having a blade pivot (e.g., 7) connected to the first end of the handle; a longitudinally extending plunger (e.g., 13, 14, 15); a sleeve (e.g., formed by components 1 and 3, and including space 9) receiving and longitudinally slidably carrying the first end (e.g., 13) of the plunger; and the second end (e.g., 14, 15) of the plunger being pivotally connected to the first end of the blade.

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8. Claims 11, 12, 19-21, 23, 30, 31, 34, 35, 38^x, 39^x, 42^x, 45, 48 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by French publication 1.171.740 (hereafter FP '740).

FP '740 discloses a folding knife with every structural limitation of the claimed invention including a handle (e.g., 7, 9) defining a blade cavity; a blade (e.g., 11) having a blade pivot (e.g., 12) connected to the first end of the handle; a longitudinally extending plunger (e.g., 14); a sleeve (e.g., formed by components 3¹ and 3², and including space therebetween) receiving and longitudinally slidably carrying the first end of the plunger; and the second end of the plunger being pivotally connected to the first end of the blade.

9. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cassady, pn 4,974,323.

Cassady discloses a folding knife with every structural limitation of the claimed invention including a handle (e.g., 40, 68) defining a blade cavity; a blade (e.g., 20) having a blade pivot (e.g., 22) connected to the first end of the handle; a longitudinally extending plunger (e.g., 28); a sleeve (e.g., formed by components 46, 50 and 68, and including space 52) receiving and longitudinally slidably carrying the first end of the plunger; and the second end of the plunger being pivotally connected (e.g., at 24) to the first end of the blade.

10. Claims 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by French publication 1.248.117 (hereafter FP '117).

FP '117 discloses a folding knife with every structural limitation of the claimed invention including a handle (e.g., 1) defining a blade cavity; a blade (e.g., 3) having a blade pivot (e.g., 2)

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connected to the first end of the handle; a longitudinally extending plunger (e.g., 7); a sleeve (e.g., formed by between handle components 1, and including the space through which component 7 slides) receiving and longitudinally slidably carrying the first end of the plunger (e.g., 7); and the second end (e.g., 7a, 7b, 8) of the plunger being pivotally connected (e.g., at 9) to the first end of the blade.

11. Claims 23, 30, 31, 34, 35, 38, 39, 42 and 45 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Carman, pn 1,743,022.

12. Claims 23, 30-32, 34-36, 38, 39, 42, 43, 45 and 46 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Collins, pn 4,451,982.

13. Claims 23, 30-32, 34-36, 38-40, 42, 43, 45 and 46 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rogers, pn 5,325,588.

14. Claims 23, 30, 31, 34, 35, 38, 39, 42, 43, 45 and 48 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by German Publication 28765.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Obviousness Rejections Based on French Publication 1.069.862

16. Claims 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent 1.069.862 (FP '862) in view of Thompson et al. 5,131,149 (Thompson '149).

FP '862 lacks the first end of the blade having an extension with a plurality of ridges thereon. Thompson '149 discloses a blade having such a plurality of ridges on a first end of the blade and teaches that it facilitates one-handed actuation of the blade. Therefore, it would have been obvious to one having ordinary skill in the art to provide an extension having a plurality of ridges on the blade of FP '862 for the benefits taught by Thompson '149 including that described above.

17. Claims 16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent 1.069.862 (FP '862) in view of Seber et al., pn 5,546,662.

FP '862 lacks a belt clip connected to the handle adjacent one of the sides of the handle. Seber discloses such a clip for attachment to a belt. Such an attachment provides various obvious and well known benefits including freeing the hands for use while still maintaining possession of the knife and while providing easy and quick access to the knife. Therefore, it would have been obvious to one having ordinary skill in the art to provide a belt clip on the knife of FP '862 for the obvious and well known benefits including those taught by Seber as described above.

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18. Claims 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent 1.069.862 (FP '862).

FP '862 lacks the second end of the plunger including a clevis having a pin pivotally connected to the first end of the blade. However, the Examiner takes Official notice that such rotatable connections are old and well known in the art and provide various known benefits including providing a sturdy, unbiased connection for relative rotation between two components. Therefore, it would have been obvious to one having ordinary skill in the art to provide a clevis on the second end of the plunger for the well known benefits including those described above.

19. Claims 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent 1.069.862 (FP '862) in view of Brown, pn 1,701,027.

FP '862 lacks the first end of the blade having an arcuate slot, and the handle including a pin carried in the arcuate slot. However, the Examiner takes Official notice that such configurations are old and well known in the art as evidenced by Brown and provide various known benefits including providing stability to the knife, and particularly additional stability between the knife and the handle during opening and closing of the knife. Therefore, it would have been obvious to one having ordinary skill in the art to provide the first end of the blade having an arcuate slot, and the handle including a pin carried in the arcuate slot for the well known benefits including those described above.

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Obviousness Rejections Based on Carman, pn 1,743,022

20. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carman, pn 1,743,022 in view of Thompson et al. 5,131,149 (Thompson '149).

Carman lacks the first end of the blade having an extension with a plurality of ridges thereon. Thompson '149 discloses a blade having such a plurality of ridges on a first end of the blade and teaches that it facilitates one-handed actuation of the blade. Therefore, it would have been obvious to one having ordinary skill in the art to provide an extension having a plurality of ridges on the blade of Carman for the benefits taught by Thompson '149 including that described above.

21. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carman, pn 1,743,022 in view of Seber et al., pn 5,546,662.

Carman lacks a belt clip connected to the handle adjacent one of the sides of the handle. Seber discloses such a clip for attachment to a belt. Such an attachment provides various obvious and well known benefits including freeing the hands for use while still maintaining possession of the knife and while providing easy and quick access to the knife. Therefore, it would have been obvious to one having ordinary skill in the art to provide a belt clip on the knife of Carman for the obvious and well known benefits including those taught by Seber as described above.

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Obviousness Rejections Based on Collins, pn 4,451,982

22. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins, pn 4,451,982, in view of Thompson et al. 5,131,149 (Thompson '149).

Collins '982 lacks the first end of the blade having an extension with a plurality of ridges thereon. Thompson '149 discloses a blade having such a plurality of ridges on a first end of the blade and teaches that it facilitates one-handed actuation of the blade. Therefore, it would have been obvious to one having ordinary skill in the art to provide an extension having a plurality of ridges on the blade of Collins '982 for the benefits taught by Thompson '149 including that described above.

23. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins, pn 4,451,982 in view of Seber et al., pn 5,546,662.

Collins '982 lacks a belt clip connected to the handle adjacent one of the sides of the handle. Seber discloses such a clip for attachment to a belt. Such an attachment provides various obvious and well known benefits including freeing the hands for use while still maintaining possession of the knife and while providing easy and quick access to the knife. Therefore, it would have been obvious to one having ordinary skill in the art to provide a belt clip on the knife of Collins '982 for the obvious and well known benefits including those taught by Seber as described above.

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24. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins, pn 4,451,982 in view of Brown, pn 1,701,027.

Collins '982 lacks the first end of the blade having an arcuate slot, and the handle including a pin carried in the arcuate slot. However, the Examiner takes Official notice that such configurations are old and well known in the art as evidenced by Brown and provide various known benefits including providing stability to the knife, and particularly additional stability between the knife and the handle during opening and closing of the knife. Therefore, it would have been obvious to one having ordinary skill in the art to provide the first end of the blade having an arcuate slot, and the handle including a pin carried in the arcuate slot for the well known benefits including those described above.

Obviousness Rejections Based on Rogers, pn 5,325,588

25. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, pn 5,325,588, in view of Thompson et al. 5,131,149 (Thompson '149).

Rogers lacks the first end of the blade having an extension with a plurality of ridges thereon. Thompson '149 discloses a blade having such a plurality of ridges on a first end of the blade and teaches that it facilitates one-handed actuation of the blade. Therefore, it would have been obvious to one having ordinary skill in the art to provide an extension having a plurality of ridges on the blade of Rogers for the benefits taught by Thompson '149 including that described above.

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26. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, pn 5,325,588, in view of Seber et al., pn 5,546,662.

Rogers lacks a belt clip connected to the handle adjacent one of the sides of the handle. Seber discloses such a clip for attachment to a belt. Such an attachment provides various obvious and well known benefits including freeing the hands for use while still maintaining possession of the knife and while providing easy and quick access to the knife. Therefore, it would have been obvious to one having ordinary skill in the art to provide a belt clip on the knife of Rogers for the obvious and well known benefits including those taught by Seber as described above.

27. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, pn 5,325,588, in view of Brown, pn 1,701,027.

Rogers lacks the first end of the blade having an arcuate slot, and the handle including a pin carried in the arcuate slot. However, the Examiner takes Official notice that such configurations are old and well known in the art as evidenced by Brown and provide various known benefits including providing stability to the knife, and particularly additional stability between the knife and the handle during opening and closing of the knife. Therefore, it would have been obvious to one having ordinary skill in the art to provide the first end of the blade having an arcuate slot, and the handle including a pin carried in the arcuate slot for the well known benefits including those described above.

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Consent of Assignee to Reissue (MPEP 1410.01)

28. This application is objected to under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. An assignee must establish its ownership interest *in order to support the consent to a reissue application required by 37 CFR 1.172(a)*. The assignee's ownership interest is established by:

(a) filing in the reissue application evidence of a chain of title from the original owner to the assignee, or

(b) specifying in the record of the reissue application where such evidence is recorded in the Office (e.g., reel and frame number, etc.).

The submission with respect to (a) and (b) to establish ownership must be signed by a party authorized to act on behalf of the assignee. See MPEP § 1410.01.

An appropriate paper satisfying the requirements of 37 CFR 3.73 must be submitted in reply to this Office action.

It is noted that in the present application, applicant provided a paper entitled SUBMISSION OF OWNERSHIP INTEREST AND CONSENT TO REISSUE APPLICATION and stated in the first paragraph thereof that "Kai's interest is established by the enclosed documents." However, no such documents were found with the submission.

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Recapture (MPEP 1412.02)

29. Claims 12-50 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984); *Pannu v. Storz Instruments*, 258 F.3d 1366, 59 USPQ2d 1597 (Fed. Cir. 2001). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to subject matter that applicant previously surrendered during the prosecution of the application.

For example, the omission of pivotal connector and essential limitations thereof (e.g., the pivotal connector pivotally connected to the handle) in claim 12; and the omission of the plunger, the pivotal connector and essential limitations thereof (e.g., the pivotal connector pivotally connected to the handle) in at least claims 13, 23, 30, 34, 38, 42, 45 and 48 amounts to removing limitations which were added and/or argued in the parent application in order to get the claims allowed. Such a broadening of the claims amounts to improper recapture. Further, it is noted that reissue claims 12-50 are broader than the version of patent claims 1 and 11 just prior to the Examiner's amendment.

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Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

Reissue Oath/Declaration (MPEP 1414)

30. Requirements of 37 CFR 1.175

a. Noncompliance with 37 CFR 1.63(a)

i. "Identify the Specification" ✓

The declaration does not properly identify the specification to which the declaration is directed as required by 37 CFR 1.63(a). In particular, in the first paragraph of the supplemental declaration filed January 23, 2002, the declaration refers to the "specification submitted herewith." However, there was no specification filed with the supplemental declaration. Rather, the specification of record was filed on October 6, 2000.

ii. "Identify Each Inventor" ✓

The declaration does not provide the residence, post office address and country of citizenship of each inventor.

b. Additional Requirements of 37 CFR 1.175

The declaration is **not** in compliance with 37 CFR 1.175 **(a)(1)**. In the last line of the paragraph bridging pages 1 and 2 of the declaration, the statement "to

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distinguish the prior art” is unclear and appears to be improper, particularly since it is not the prior art which is being distinguished, but rather the invention over the prior art (it seems that --over-- should be inserted after “distinguish” or the like). Also, the use of both “I” and “patentee” in the second line of this paragraph renders the paragraph unclear and improper (it is suggested to change “I” to --the patentee-- only in line 2).

The declaration is **not** in compliance with 37 CFR 1.175 (a)(2). In the fourth paragraph on page 2 of the declaration, the phrase “above mentioned errors” is improper since it limits this statement only to those errors explicitly described in the declaration which is improper, particularly if other errors exist, and it is suggested to use the wording of this section of the rule. For example, it is suggested to change “of the above mentioned errors” to --errors being corrected-- or the like.

Maintenance Fees on the Original Patent (MPEP 1415.01)

31. Applicant is reminded that “[I]f maintenance fees have not been paid on the original patent as required by 35 U.S.C. 41(b) and 37 CFR 1.20, and the patent has expired, no reissue patent can be granted.”

No maintenance fees for the subject patent have been recorded to date, and the 4th year anniversary of the patent grant is October 6, 2002.

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Offer to Surrender Original Patent (MPEP 1416)

32. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Claim Rejections - Defective Oath/Declaration

33. Claims 1-50 are rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251. See 37 C.F.R. 1.175.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cfid
August 6, 2002